



UNITED STATES PATENT AND TRADEMARK OFFICE

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Technology Center 1700

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In re application of
Guha et al.

Serial No. 09/387,894
Filed: September 1, 1999
For: Dies For Die Casting Aluminum And
Other Metals

DECISION ON
PETITION

This is a response to the PETITION UNDER 37 C.F.R. 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT, filed September 9, 2003. The petition requests that the abandonment, as set forth in the Notice of Abandonment of May 21, 2003 for failure to timely respond to the requirement mailed by the Office on March 11, 2003, be withdrawn. The petitioner asserts that said requirement, mailed March 11, 2003 was not received by the applicants.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(I).

The evidence presented is sufficient to establish that the Office's requirement, mailed March 11, 2003, was not received by the petitioner. The evidence provided includes a statement by the petitioner that said requirement was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the requirement mailed March 11, 2003 was not received. Also provided is a copy of the automated docketing record and cover of the docket file, where the requirement would have been posted had it been timely received.

Therefore, the Notice of Abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the Publications



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Branch for consideration of the applicant's response to the requirement, which was filed on January 10, 2004.

The Petition is **GRANTED**.

Jacqueline Stone
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